

### REMARKS

This application has been reviewed in light of the Office Action dated August 15, 2008. Claims 59-67, 69-75, 77-81, 83-91 and 93-105 are presented for examination, of which Claims 59 and 83 are in independent form. Claims 59-66, 69-74, 77-80, 83-88, 93-96, 101, and 102 have been amended to define Applicants' invention still more clearly. Favorable reconsideration is requested.

The Office Action rejected Claims 59-67, 77-81, 83-91, and 100-105 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Appln. Pub. No. 2002/0156723 (*Lilly*); and rejected Claims 69-75 and 93-99 under 35 U.S.C. § 103(a) as being unpatentable over *Lilly*. Applicants submit that independent Claims 59 and 83, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Claim 59 recites the feature of "providing, by a server of a card provider, a plurality of access codes to a plurality of both prospective customers and existing customers of a card provider, wherein each of the plurality of access codes can not be used to transfer funds via the card provider . . . ". By virtue of this feature, the present invention does not rely on the customer to have an existing transaction account number to serve as an access code, but rather provides both existing and prospective customers with a distinct code for the purpose of extending pre-approved offers specially tailored to the individual profile of the customer.

Furthermore, Claim 59 recites "determining whether the customer is a prospective customer or an existing customer based at least in part on the respective access code . . . ". By virtue of this feature, the present invention recognizes and distinguishes between prospective customers and existing customers for the purpose of extending pre-approved offers specially tailored to the individual customer profile of the prospective customer or pre-existing customer.

The Office Action cites *Lilly* as disclosing “determining, based on the access code, whether an accessing party is a pre-existing customer.” Office Action, pages 3-4 (“it is inherent that the system must first determine whether the ‘customer’ is an existing customer (who is eligible for an account upgrade), or a new customer (who is eligible for a new account) . . .”).

Assuming, arguendo, that *Lilly* inherently discloses determining if the accessing party is an existing customer or not, *Lilly* still fails to disclose “determining whether the customer is a prospective customer or an existing customer based at least in part on the respective access code” for “tailoring an offer to the customer based at least in part on the determining,” as recited in Claim 59. (Emphasis added.) In stark contrast, *Lilly* is directed to only existing credit card holders—not the claimed “prospective customers.” Particularly, one of the first steps required in *Lilly* is for the existing credit card holder to input his or her credit card data. *Lilly*, paragraph [0111]. Moreover, *Lilly* merely determines whether the existing credit card holder has previously been offered an extra credit line in connection with that card. *Id.* at paragraph [0112]. Indeed, *Lilly* fails to even mention prospective customers, let alone maintaining customer profiles of prospective customers for the purpose of extending pre-approved offers specially tailored to the individual prospective customer’s profile.

The Office Action asserts that the above argument is not persuasive because “the *Lilly* reference . . . explicitly recite[s], ‘the goods and/or services offered at the web site may be purchased by customers using a variety of different credit cards, including cards not issued by the card issuer hosting the site.’” Office Action, page 8. However, that recitation merely suggests that it is possible for a customer to use credit cards from various issuers to complete a transaction at a website, not that credit cards from various issuers are contemplated for the

extension of offers. On the contrary, only existing credit card customers are eligible for an offer for an extra line of credit.

In addition, Claim 59 recites “performing at least one of a removal of fields and a population of fields at the interface of the card provider based at least in part on a profile associated with the respective access code, wherein an amount of personal information requested from the customer when the customer is an existing customer is less than an amount of personal information requested from a prospective customer.” Thus, in contrast to *Lilly*, the present invention reduces the time required for both existing and prospective customers to complete an application for a transaction account.

Accordingly, Applicants submit that Claim 59 is not anticipated by *Lilly*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claim 83 includes features similar to those discussed above in connection with Claim 59. Therefore, Claim 83 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the this Amendment. If, however, such a petition is required to make this

Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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